IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 620 OF 2004

IN

SUIT NO. 1040 OF 1984

Ratanchand Hirachand
Baldota ... Plaintiff.

Vs

John Domnic Gomes
(Deceased) .... Defendant.

And

Thomas John Gomes
& Ors. ... Respondents.

And

Mrs. Deena Pramod Baldota .. Applicant.

Mr. Nikumbha i/b M.G. Bhat for respondent nos. 3a to 9.

Mr. D.S. Sakhalkar for applicant.

CORAM : S.U.KAMDAR,

DATE : 28TH FEBRUARY, 2005.

P.C.

1. The present chamber summons has been

taken out for bringing the legal heirs of the defendant no. 1 on record. There is a delay in taking out the present chamber summons. The objection raised by respondent nos. 3a to 9 is that there is gross delay of a period of six years and in view thereof, the chamber summons should not be granted. In my view, in the interest of justice the present chamber summons is required to be granted. The abatement is set aside. Delay condoned. The chamber summons is made absolute in terms of prayer clauses (a), (a-1), (b) and (d). The applicant is directed to pay costs of the chamber summons to the respondent nos. 3a to 9 quantified at Rs. 3,500/-